

REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-19 are currently pending, of which Claims 9 and 10 are withdrawn from consideration. Claims 16-19 have been added; and Claims 1-8, 11, and 15 have been amended by the present amendment. The additions and amendments to the claims are supported by the originally filed specification and do not add new matter.<sup>1</sup>

In the outstanding Office Action, Claims 1-8, 12, and 13 are rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter; Claims 2, 3, 6, and 7 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement; Claims 1-4 and 8 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention; Claims 1, 5, 12, 13 and 15 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 7,164,882 to Poltorak (hereinafter “Poltorak”), U.S. Patent No. 5,961,603 to Kunkel et al. (hereinafter “Kunkel”), and U.S. Patent No. 6,505,160 to Levy et al. (hereinafter “Levy”); Claims 2, 3, 6, and 7 were rejected under 35 U.S.C. §103(a) as being unpatentable over Poltorak, Levy, Kunkel, and U.S. Patent No. 6,204,419 to Fiedler (hereinafter “Fiedler”); Claims 4 and 8 were rejected under 35 U.S.C. §103(a) as being unpatentable over Poltorak, Levy, Kunkel, and U.S. Patent No. 6,912,431 to Kim et al. (hereinafter “Kim”); and Claims 11 and 14 were rejected under 35 U.S.C. §103(a) as being unpatentable over Poltorak, Levy, Kunkel, and U.S. Patent No. 6,272,472 to Danneels (hereinafter “Danneels”).

Regarding the 35 U.S.C. § 101 rejections of Claims 1-8, 12, and 13, independent Claim 1 has been amended to recite a processor. Support for the amendment is found at least

---

<sup>1</sup> See e.g., Figs. 1 and 4 and page 113, lines 10-17, of Applicants’ specification.

in Figs. 1 and 4, and page 113, lines 10-17, of Applicants' specification. Further, Applicants submit that one of ordinary skill in the art would interpret the terms "memory unit" and "memory" recited in Claim 1 as being hardware components (e.g., hard disk drive (21)) in light of at least Fig. 4, and the description thereof in Applicants' specification.

Thus, based on the above discussion, Applicants respectfully submit that Claim 1 defines a machine or manufacture, and therefore falls within one of the four recognized statutory classes. Accordingly, Applicants request that the 35 U.S.C. § 101 rejections of independent apparatus Claim 1, and dependent Claims 2-4 and 12, be withdrawn.

Regarding the 35 U.S.C. § 101 rejections of method Claim 5, Applicants submit that, consistent with In re Bilski, Claim 5 is tied to particular statutory machines or manufactures, namely, the processor. Accordingly, Applicants request that the 35 U.S.C. § 101 rejections of independent method Claim 5, and dependent Claims 6-8 and 13, be withdrawn.

Regarding the rejections of Claims 2, 3, 6, and 7 under 35 U.S.C. § 112, first paragraph, these claims have been amended to address the 35 U.S.C. § 112, first paragraph, rejections of those claims. Accordingly, Applicants respectfully submit that the 35 U.S.C. § 112, first paragraph, rejections of Claims 2, 3, 6, and 7 should be withdrawn.

Applicants' Claim 1 is directed to a content receiving apparatus, comprising in part:

a memory, in the content receiving apparatus and separate from the temporary memory unit, configured to store at least the first contents and the first contents-related information ***when*** the input recording request is entered externally. [Emphasis Added]

Regarding the 35 U.S.C. § 112, second paragraph, rejections of Claim 1-3, Applicants note that the Office Action rejected Claim 1 by asserting that Applicants' Claim 1 "includes language for both an apparatus and a process in a single claim."<sup>2</sup> Specifically, the Office

---

<sup>2</sup> See Office Action dated December 30, 2009, pages 8-9.

Action asserts that Applicants claim a “memory” while also claiming a process of using the system by reciting the term “when.”<sup>3</sup>

Applicants respectfully disagree with the Office Action’s above assertion, and submit that the above emphasized feature describes that the memory stores the first contents and the first contents-related information when the input recording request is entered externally, and does **not** describe how the memory stores the first contents and the first contents-related information. Thus, Claim 1 does **not** include language for both an apparatus and a process, nor does Claim 1 describe a process on how to use the memory, as asserted in the Office Action.

Accordingly, Applicants respectfully submit that the 35 U.S.C. § 112, second paragraph, rejection of Claim 1 (and associated dependent Claims 2 and 3) is in error, and should be withdrawn.

Regarding the 35 U.S.C. § 112, second paragraph, rejections of Claim 4 and 8, these claims have been amended to clarify that the first contents with synthesized sound information are correlated with the received first contents-related information. Accordingly, the 35 U.S.C. § 112, second paragraph, rejections of Claim 4 and 8 have been overcome.

Applicants’ Claim 1 is directed to a content receiving apparatus, comprising in part:

a receiver configured to receive first contents from a broadcasting station and to receive an input recording request, the broadcasting station being **separate** from the content receiving apparatus;

a memory, ***in the content receiving apparatus*** and separate from the temporary memory unit, configured ***to store at least the first contents and the first contents-related information when the input recording request is entered externally;*** and

a processor configured ***to correlate the first contents and the first contents-related information when the input recording request is entered externally.*** [Emphasis Added].

---

<sup>3</sup> Id.

Claim 1 clarifies that the content receiving apparatus is *separate* from the broadcasting station. Further Claim 1 clarifies that the memory, which is *in the content receiving apparatus*, stores at least the first contents and the first contents-related information when the input recording request is entered externally, and that the processor correlates the first contents and the first contents-related information when the input recording request is entered externally.

**First**, Applicants note that in rejection Claim 1, the Office Action asserts that Poltorak's broadcasting station (10) and media playing device (20) are comprised in a single apparatus.<sup>4</sup> Further, Applicants note that the Office Action associates the claimed content receiving apparatus, the claimed broadcasting station, and the claimed memory with Poltorak's media playing device (20), Poltorak's broadcasting apparatus (10), and Poltorak's memory device (10C), respectively.<sup>5</sup>

As previously presented, Poltorak's memory device (10C), which stores both the media content (i.e., the first contents) and the information (i.e., the first-related contents), is in Poltorak's broadcasting apparatus (10), which the Office Action asserts to be comprised in a single apparatus as Poltorak's media playing device (20).

Therefore, as per the Office Action, Poltorak's media playing device (20) is *not separate* from Poltorak's broadcasting apparatus (10). However, as clarified in Claim 1, the content receiving apparatus is *separate* from the broadcasting station.

Thus, Poltorak does not disclose or suggest the claimed memory in the content receiving apparatus, as clarified in Claim 1. For this reason alone, Applicants respectfully request that the 35 U.S.C. § 103(a) rejection of Claim 1 be withdrawn.

---

<sup>4</sup> See Office Action dated December 30, 2009, page 4.

<sup>5</sup> Id at page 11.

**Second**, the Office Action acknowledges that Poltorak fails to disclose the claimed temporary memory unit.<sup>6</sup> Rather, the Office Action associates the claimed temporary memory unit with Kunkel's cache (31), and simply asserts that it would have been obvious to combine Kunkel's cache (31) with Poltorak's media playing device (20) to store contents related information in Kunkel's cache (31) because this would allow a user to quickly access the contents related information.<sup>7</sup>

Applicants respectfully disagree with this assertion of the Office Action, and submit that combining Kunkel's cache (31) with Poltorak's media playing device (20), as discussed below, would **not** allow a user to quickly access the contents related information, as asserted in the Office Action.

Kunkel describes that a headend (14) receives contents to be distributed to users from a content providing satellite (26), and routes these contents to a television (24).<sup>8</sup> Further, Kunkel describes that the headend (14) requires an identification number or tag (ID tag) inserted in the contents by the content providing satellite (26) to access contents related information from the ISP (30).<sup>9</sup> Finally, Kunkel describes that cache (31), which is interfaced between the headend (14) and an ISP (30), stores content related information accessed by the headend (14).<sup>10</sup>

Therefore, in Kunkel, the contents provided by satellite (26) to the television (24) **must be routed through** the headend (14), and these **contents must contain ID tags** (separate from the contents related information) for the headend (14) to access the contents related information to be stored in the cache (31).

---

<sup>6</sup> See Office Action dated December 30, 2009, page 11.

<sup>7</sup> Id.

<sup>8</sup> See Kunkel, column 4, lines 40-41.

<sup>9</sup> Id at column 5, lines 22-26.

<sup>10</sup> Id at column 4, line 59 - column 5, line 6.

However, in Poltorak, the media playing device (20) directly receives the content related information along with the broadcasted contents from Poltorak's broadcasting station (10).<sup>11</sup> Accordingly, combining Kunkel's cache (31) with Poltorak, as asserted by the Office Action, would require the broadcast from Poltorak's broadcasting station (10) to be routed through the headend (14), and Poltorak's broadcasting station (10) would have to insert ID tags for the broadcasted contents (which would be required by the headend to access content related information).

The Office will appreciate that, the routing of Poltorak's broadcasted contents through the headend (14) would *result in a delay* in receiving the broadcasted contents by Poltorak's media playing device (20), and will *not* be quickly received by the media playing device (20), as asserted in the Office Action. Further, the Office will appreciate that Poltorak's broadcasting station (10) does *not* include ID tags of the contents to access content related information because the content related information in Poltorak is already broadcasted along with the contents.

Thus, Applicants respectfully submit that it would not have been obvious to one of ordinary skill in the art at the time of Applicants' invention to combine Kunkel's cache (31) with Poltorak, as asserted in the Office Action.

**Finally**, Applicants respectfully submit that, even if Kunkel's cache (31) is combined with Poltorak, the cache (31) would be *associated with the headend* (14), and *not* with the media playing device (20), as required to meet the claimed elements.

Additionally, Levy does not remedy the deficiencies of Poltorak and Kunkel discussed above. Thus, no matter how the teachings of Poltorak, Kunkel and Levy are combined, the combination does not disclose or suggest temporary memory unit, associated

---

<sup>11</sup> See Poltorak, column 16, lines 39-55.

with the content receiving apparatus, configured to temporarily store first contents-related information related to the first contents, as clarified in Claim 1.

The above discussion regarding independent Claim 1 also applies to independent Claims 5 and 15, which recite analogous features in claims with different scopes.

Finally, Applicants respectfully submit that Danneels does not remedy the deficiencies of Poltorak, Kunkel, and Levy discussed above. Thus, no matter how the teachings of Poltorak, Kunkel, Levy, and Danneels are combined, the combination does not teach or suggest the above discussed features, as recited in Claim 11.

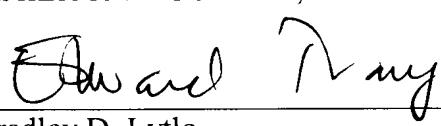
For all the above reasons, Applicants respectfully request that the 35 U.S.C. § 103(a) rejections of Claims 1, 5, 11, and 15 (and all associated dependent claims) be withdrawn.

The present amendment adds Claims 16-19 for examination on the merits. Support for the subject matter in Claims 16-19 is found at least in Fig. 7, and page 31, line 3 - page 33, line 5, of Applicants' specification. It is respectfully submitted that the features of Claims 16-19 are not described in the art of record, and that these features should be considered and passed to allowance.

Consequently, in view of the present amendment and in light of the above discussion, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

  
\_\_\_\_\_  
Bradley D. Lytle  
Attorney of Record  
Registration No. 40,073

Customer Number

22850

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 08/07)

Edward W. Tracy  
Registration No. 47,998